

English summary

The status of migrants in the social sphere

The aim of the work is to identify and describe the position of three groups of European citizens, a worker, a student, and a tourist, migrating over Europe and exercising their rights. On one hand, there is still some discrimination against the EU citizens, and on the other hand, there is some criticism of the ECJ for its excessive benevolence in decision making. The social area stated in the name of the work is intended not only as the area of social security and labour law, but also as the area of access to education and meeting of the cultural needs of people.

The thesis is divided into two parts, general and special. Two introductory chapters comprising the general part of the work are devoted to defining of the terms free movement of persons and the European social rights, and their historical development across the primary legislation. The author notices also the historical circumstances and reasons why the developments lead this way. The relevant present legal regulations in the secondary law are analysed in detail and a possible vision for the future of the EU is introduced.

A special section consisting of the third, fourth and fifth chapter aims at demonstrating of the true position of the migrants via the selected judicial decisions the ECJ. There is an individual chapter for each of the migrants. The judicial decisions are for better observation of the development listed chronologically. The comments of the decisions pay attention to the statements of the Member States, for these contribute significantly to the illustration of the situation.

In the conclusion of the thesis the material presented in the special part is summarized and confronted with the primary regulation. The author notes that errors may presumably occur both on the side of Member States, which often ignore the

obligations arising from European law, and also on the side of the ECJ, which has in recent years interfered via its decisions in areas within the exclusive competence of Member States. It is also possible that there is a kind of vicious circle; Member States feel damaged by the decisions of the ECJ, so they hesitantly approach the fulfilment of their obligations, which in turn results in further judicial decisions and discrimination.